

## **MINUTES**

**Tuesday, April 17, 2007**

Mrs. Patricia Romeo, Chairperson, called the Tuesday, April 17, 2007 meeting of the Community Planning Commission to order at 7:30p.m. in Room 10 of the North Reading Town Hall, 235 North Street, North Reading, MA.

### **MEMBERS**

**PRESENT:** Patricia Romeo, Chairperson  
Shep Spear, Vice Chairperson  
Christopher B. Hayden, Clerk  
Warren Pearce

### **STAFF**

**PRESENT:** Susan Murphy, Assistant Planning Administrator  
Debra Savarese, Administrative Assistant

**Minutes**

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to accept the minutes of April 3, 2007 as written.

**Rahnden Terrace – Endorse Plans**

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to endorse the definitive subdivision plans entitled “Definitive Subdivision, Rahnden Terrace, North Reading, MA” dated November 9, 2005; Rev7, Sheets 1 of 5, Scale 1”=40’; drawn by Dana Perkins, Inc., 1049 East Street, Tewksbury, MA 01876.

**59-61 Adam Street – Definitive Subdivision – cont. P.H. 8:00PM**

Peter Ogren of Hayes Engineering Inc. stated that at the last meeting he described what he considered to be a hybrid plan, which was a combination of LID and items he thought were important. It was suggested that he speak to the Assistant Planning Administrator in regards that there was no commitment with the plan that there be areas on the lots that would not be clear cut or turned into lawns, even though this was the intention. Changes were made to the house locations so that there would be greater areas undisturbed. The assistant planner had also wanted to see a commitment to use rain gardens or bio-retention areas on the lots themselves. This is something that can be incorporated on a plan, but it has to be done for each specific design. It was agreed to incorporate such measures in the plan.

Mr. Pearce stated that he would like to suggest that the area where the two roads come together be paved. This would allow a vehicle to turn around, instead of going up through the subdivision and turning.

Dana Rowe stated that he does not want to pave anymore than he already has to. He would like to keep this area natural and environmentally friendly as possible.

Mrs. Romeo stated that she is reluctant to see anymore intrusion on the property as is necessary and would almost be willing to waive the road width.

Peter Ogren stated that he does not see any problems with a truck or any other vehicle turning around in the subdivision.

Mrs. Romeo asked if consideration had been given in regarding the Rodham property not being landlocked.

Attorney Senior stated that there have been discussions since the last meeting. The intention is not to make a roadway; the thought is that they may combine one of the lots out of this subdivision with that property, which could potentially produce two lots, with just a driveway, no extension of the road. This would be a much better solution because there is a wetland to cross.

Mr. Pearce stated that he is opposed to common driveways. Two short driveways would be more acceptable, this way they could be split if ever a dispute between the property owners.

Attorney Jay Kimball stated that he represents Dave Rodham Sr. There were some discussions, but they have not spoken since the last meeting. He believes that Mr. Ogren had originally hoped that there would be two additional lots on the Rodham property. It is new information today that there may only be one additional lot. His client is amenable to having it done as the Subdivision Plan or an Approval-Not-Required plan. The negotiations have not yet been finalized and they would be at a disadvantage once the plan is approved and would like to request that more time be given to allow them to settle any issues with the applicant.

Mrs. Murphy stated that as she was preparing for the meeting, she noticed that the drainage report for the subdivision was never sent to Design Consultants. It would be in the best interest of the town if the report was reviewed by Design Consultants.

Peter Ogren stated that he would send the drainage report for review.

Mr. Hayden asked if a dry hydrant would be put on the site.

Peter Ogren stated that Danvers is acceptable to a dry hydrant being installed. The only outstanding issue is that there is a proper draft.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to grant the requested continuance of the public hearing for 59-61 Adam Street until Tuesday, May 15, 2007 @ 8:00PM.

#### **59-61 Adam Street – Determination of Access – cont. P.H. 8:00PM**

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to grant the requested extension of time in which to render a decision on the 59-61 Adam Street – Determination of Access Plan until May 18, 2007 and to continue the public hearing until Tuesday, May 15, 2007 @ 8:00PM.

John Morin of Neve-Morin Associates stated that one of the remaining issues was the requesting of additional pavement at the corner of Leland Road and Junction Road. A revised plan was submitted showing the section of pavement. At a Conservation Commission meeting John Celona of 6 Leland Road expressed concerns with the proposed driveway for lot 1. A letter was sent to John Celona explaining the elimination of the flow from Leland Road. For additional precaution, gravel shoulders will be installed on either side of the driveway and will also be crowned.

Mr. Pearce stated that he would like the approval to state that the rounding on the corner will be staked out and approved by the town engineer prior to being paved.

John Morin stated that the notation would state "Edge of existing pavement shall be expanded the extent practicable. Exact location of the final edge of pavement shall be reviewed in the field with the Town of North Reading planning board and/or their agent".

Attorney Senior stated that to avoid any problems arising from the survey being based on the locations of Rapier and Martin's Brook and therefore subject to judgment calls as to those locations, would like to delete "169,152 SF (3.9 acres)" and substitute "that which is shown on the plan".

Mr. Hayden asked if there was longitude for this area.

John Morin stated that they do not control the location of the property line. It is in the deed to the record plan and usually is the thread of the river. Two surveyors can come up with a dispute of 10'.

Mr. Pearce stated that the top of the bank can be used to determine the lot line

Attorney Senior stated that the town engineer has stated that the town will maintain the road.

Mr. Spear stated that he thought the road was to remain private.

Attorney Senior stated that it will remain private, but the town will maintain.

Mr. Hayden stated that he does not want the condition removed. There is always a possibility that the town will not maintain private roads in the future.

Mr. Pearce stated that the Community Planning Commission has never removed this condition.

Waivers:

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to allow roadway width less than 28 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to allow a dead end street without a 120 foot diameter turnaround is GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to APPROVE the plan entitled, "Plan for Determination of Access on an Unaccepted Street at 1 Leland Road in North Reading, Massachusetts"; dated January 29, 2007"; revised March 26, 2007; drawn by The Neve-Morin Group, Inc. Subject to the terms and conditions of the Certificate of Conditional Approval dated April 17, 2007 as amended this evening.

### **1 Leland Road – ANR**

Mr. Hayden read the public hearing notice into the record.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to endorse as "Approval-Not-Required" the plan entitled "Plan of Land in North Reading, Mass."; dated March 19, 2007; drawn by The Neve-Morin Group, Inc.

### **117 Marblehead Street – Preliminary Subdivision – 9:15PM**

Mr. Hayden read the public hearing notice into the record.

Luke Roy of O'Neill Associates stated that the proposal is to construct a three lot subdivision with 40,000sq. for each lot. The property is 3.5 acres in area and abuts the west side of the state forest and town owned land. There is an existing house on the property. The roadway has been sited on the east side of the property do to site distance, which is at the crest of a vertical curve. And environmentally they would like to keep the roadway out of the buffer zone. There is 50' R.O.W., 29' pavement with 115' diameter cul-de-sac, which will require a waiver for 5', this was primarily done to relieve the setback requirements on Lot 2 and to make it less awkward to site a house on the lot. There is still a 100' diameter paved width as the requirements call for, with a sidewalk.

Mrs. Romeo stated that the roadway does not line up with Olde Coach Road. It needs to be aligned with Olde Coach Road or should be moved.

Mr. Hayden stated that the property is long and narrow. There are too many lots proposed for this site.

Mrs. Romeo stated that there is a tremendous drop off on the street.

Mr. Hayden stated that the 4' retaining wall is on the property line.

Attorney Senior stated that with the potential traffic flow, it is no more than a common driveway with two lots.

Mr. Hayden stated that the name of the road will need to be changed to a historical name.

Mrs. Romeo closed the public hearing.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to DENY the proposed preliminary subdivision plan entitled "Preliminary Subdivision Plan, Beechtree Estates, 117 Marblehead Street, North Reading, Massachusetts"; dated March 9, 2007; drawn by O'Neill Associates" due to the plan's violations of the North Reading Subdivision Regulations as referenced in the Notice of Denial [amended] dated April 17, 2007.

**198R Haverhill Street – Definitive Subdivision – cont. P.H. 9:30PM**

Attorney James Senior asked that the following items be changed on the Conditional Approval.

Paragraph #6 heading be changed to:

Subject to the following conditions which shall be contained in Statutory Covenant, to only be on lot 1.

Paragraph 7.B.: To not apply to Lot 3 on the plan.

Paragraph 7.C.: The roadway shall be deeded with Lot 1.

Mrs. Murphy stated that she does not believe that the roadway should be deeded to Lot 1. To deed it to the lot, is to basically create a situation where it is a driveway.

**Waivers:**

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

Section 350-14.B(5) to allow a street intersection rounding radius less than 30 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

Section 350-14.E(4) to allow a dead end street with no cul-de-sac or looped road is GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

Section 350-24.B to allow a roadway width less than 28 feet is GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

Section 350-24.B to allow a roadway with center line not coinciding with the center line of the street right-of-way is GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)  
Section 350-25.B(4)b.4 to allow for no catch basins on roadway is GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)  
Section 350-26 to allow no sidewalks or street trees is GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)  
Section 350-27 to allow for no granite curb or granite curb inlet on northern  
roadway bound is GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)  
Section 350-32 to allow for no streetlights is GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)  
Typical Cross Section Schedule A, to allow for no normal crown in the roadway is  
GRANTED.

Mr. Hayden moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)  
Section 350-14.E. (4) to allow a cul-de-sac property line diameter less than 120 feet is  
GRANTED.

Mr. Hayden moved, seconded by Mr. Spear and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to APPROVE the plan entitled,  
“Definitive Subdivision Plan Set, Single Family Residential Development, Tower Hill  
Terrace, Tax Map 43/51, Lots 121, 103, North Reading, Massachusetts”; dated January  
14, 2007; revised March 16, 2007; drawn by Meisner Brem Corp. Subject to the terms  
and conditions of the Certificate of Conditional Approval; dated April 17, 2007 as  
amended this evening.

#### ADJOURNMENT AT 11:00PM

Respectfully submitted,

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Christopher B. Hayden, Clerk